

State of California
AIR RESOURCES BOARD

Executive Order R-12-006

Relating to the Amendments to the AB 32 Cost of Implementation Fee Regulation

WHEREAS, on October 20, 2011, the Air Resources Board (ARB or Board) conducted a public hearing to consider for approval the proposed amendments to the AB 32 Cost of Implementation Fee Regulation, as set forth in the Initial Statement of Reasons released to the public on September 2, 2011;

WHEREAS, the environmental analysis included in the Initial Statement of Reasons, prepared in accordance with ARB's certified regulatory program and the policy and substantive requirements of CEQA, concluded that the amendments will not result in any significant adverse impacts on the environment;

WHEREAS, following the public hearing, the Board adopted Resolution 11-33, in which the Board approved for adoption the proposed amendments to sections 95201, 95202, 95203, 95204, and 95205, title 17, California Code of Regulations (CCR);

WHEREAS, the following documents are incorporated by reference in the regulations: ASTM Specification D910-07a, Standard Specification for Aviation Gasolines, ASTM D 6751-08 (*Standard Specification for Biodiesel Fuel Blendstock (B100) for Middle Distillate Fuels, 2008*), and ASTM D388-05 "Standard Classification of Coals by Rank" (September 2005);

WHEREAS, Resolution 11-33 directed the Executive Officer to determine if additional conforming modifications to the regulation were appropriate and take final action to adopt the modified regulation after making the modified regulatory language and any additional supporting documents and information available to the public for a period of 15 days, consider such written comments as may be submitted during this period, make such further modifications as may be appropriate in light of the comments received, or return the regulatory amendments to the Board for further consideration if warranted.

WHEREAS, on April 2, 2012, and June 21, 2012, the modified regulations, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for two supplemental public comment periods of at least 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of the California Code of Regulations, title 1, section 44;

WHEREAS, Resolution 11-33 further directed the Executive Officer to consider and approve the written responses to any comments raising environmental issues in accordance with CCR, title 17, section 60007 prior to taking final action to adopt the regulatory amendments;

WHEREAS, a number of written comments were received the initial 45-day comment period and supplemental 15-day comment periods, and those comments have been considered by the Executive Officer;

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 11-33 are incorporated herein.

IT IS FURTHER ORDERED, the written responses prepared for comments received are hereby approved, including the written responses to any environmental issues raised as required by CCR, title 16, section 60007

IT IS FURTHER ORDERED that sections 95201, 95202, 95203, 95204, and 95205, title 17, CCR, are adopted as set forth in Attachment 1 to this Order.

IT IS FURTHER ORDERED that the adopted regulatory text may be further revised with nonsubstantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 21st day of August 2012, at Sacramento, California.

/s/
James N. Goldstene
Executive Officer

Attachment